

ZB# 04-08

**New Windsor
Equipment Rental**

9-1-108 & 55

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted: 02-09-04

ZBA #04-08 N.W. EQUIP. RENTAL USE
14 ARGENTIO DRIVE (9-1-108 & 55)

Jerry Argenio 561-5102

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 9-1-55 & 9-1-108

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

NEW WINDSOR EQUIPMENT RENTAL & SERVICE

USE

CASE #04-08

WHEREAS, Jerry Argenio, Jr. , owner(s) of 14 Argenio Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Use Variance to permit storage & handling of aggregate products in an R-4 Zone (adjacent to PI Zone) at 14 Argenio Drive (9-1-108& 55) and;

WHEREAS, a public hearing was held on February 9, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a commercial property located behind an existing commercial property and over the zoning line in the rear of that commercial property making this portion of the property zoned for residential use.
 - (b) The property consists of a vacant portion approximately 2.35 acres in size in the rear as what is known as Hudson Valley Asphalt where bituminous concrete is made.

- (c) The closest adjacent residential area is separated from this parcel by a pond or ponds.
- (d) The Town of New Windsor uses the aforesaid pond as a back up source of water.
- (e) The property is inaccessible to the occupied residential area and is inaccessible to a public road frontage.
- (f) Because of the water easements owned by the town for the purpose of using the water supply and the road easements, the property cannot be used for any use permitted in an R-4 Zone.
- (g) The applicant seeks to use the property to store bituminous material.
- (h) The applicant has used this property for at least three (3) years for said storage pursuant to a lease with the Town of New Windsor. Now the applicant proposes to buy the property and use it for said storage.
- (i) During the time the applicant has used the property, no complaints, formal or informal, have been received by the Town of New Windsor.
- (j) The operation of the property has created no water hazards or runoffs or the ponding or collection of water.
- (k) No substantial vegetation, floral or fauna, were removed or disturbed in the utilization of the property.
- (l) The property is separated from the residential property by a buffer of at least 10 feet.
- (m) The material is approximately 300 feet from the ponds.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The Zoning Board of Appeals has declared a Negative Declaration under SEQRA, which review is limited to this application only.
2. The applicant cannot realize a reasonable return on this property since it is not suitable for any use permitted in this zone.

3. The alleged hardship to the property is unique.
4. The UseVariance will not alter the essential character of the neighborhood.
5. The hardship alleged by the applicant has not been self-created.

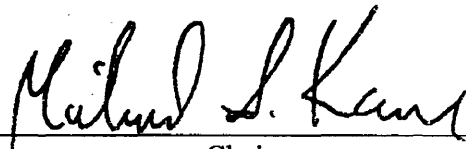
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Use Variance as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: February 9, 2004

A handwritten signature in black ink, appearing to read "Michael S. Kaur", is written over a horizontal line.

Chairman

**OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, NY**

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION

PLANNING BOARD FILE NUMBER: 03-34

DATE: OCTOBER 30, 2003

APPLICANT:

NEW WINDSOR EQUIPMENT RENTAL / TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: OCTOBER 15, 2003

FOR: SITE PLAN

LOCATED AT: ARGENIO DRIVE


ZONE: R-4 & PI


DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 108 & 55

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

**PROPOSED USE OF NEW WINDSOR EQUIPMENT RENTAL WITHIN THE R-4 ZONE
REQUIRES A USE VARIANCE**

TOWN OF NEW WINDSOR CODE: _____



MICHAEL BABCOCK,
BUILDING INSPECTOR 

(Argenio)

New Windsor Equipment
Rental Site Plan Amendment

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued

REQUIREMENTS

P.B. # _____ ZONE: _____ USE: _____

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA			
MIN. LOT WIDTH			
REQUIRED FRONT YARD			
REQUIRED SIDE YARD			
REQUIRED TOTAL SIDE YARD			
REQUIRED REAR YARD			
REQUIRED FRONTAGE			
MAX. BLDG. HT.			
FLOOR AREA RATIO			
MIN. LIVABLE AREA			
DEVELOPMENTAL COVERAGE			
O/S PARKING SPACES			

USE
VARIANCE
FOR PLANT
USE IN
R-Y
ZONE

PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

PAGE 2 OF 2

If possible they
should have some
typical sketch at
ZBA meetings



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

May 11, 2004

New Windsor Equipment Rental and Service, Inc.
d/b/a Hudson Valley Asphalt
P.O. Box 2068
Newburgh, NY 12550

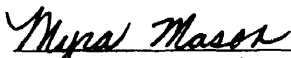
SUBJECT: REQUEST FOR VARIANCE #04-08

Dear Mr. Argenio:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,



Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 03-31-04
SUBJECT: ESCROW REFUND - 04-08

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 342.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-08

NAME & ADDRESS:

**NEW WINDSOR EQUIPMENT RENTAL AND SERVICE, INC.
d/b/a Hudson Valley Asphalt
P.O. Box 2068
Newburgh, NY 12550**

THANK YOU,

MYRA

L.R.03-31-04



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #04-08 TYPE:USE

APPLICANT Name & Address:

**New Windsor Equipment Rental and Service, Inc.
d/b/a Hudson Valley Asphalt
P.O. Box 2068
Newburgh, NY 12550**

TELEPHONE: 561-5102

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>003755</u>
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: COMMERCIAL \$500.00 CHECK # 003756

* * * * *

<u>DISBURSEMENTS:</u>	<u>MINUTES</u> \$5.50 / PAGE	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY: <u>7</u> PAGES	\$ <u>27.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY: <u> </u> PAGES	\$ <u> </u>	\$ <u> </u>
PUBLIC HEARING: <u>11</u> PAGES	\$ <u>60.50</u>	\$ <u>35.00</u>
PUBLIC HEARING: <u> </u> PAGES	\$ <u> </u>	\$ <u> </u>
TOTAL:	\$ <u>88.00</u>	\$ <u>70.00</u>

* * * * *

ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 158.00

AMOUNT DUE: \$

REFUND DUE: \$ 342.00

L.R. 3/31/04



RESULTS OF Z.B.A. MEETING OF: January 26, 2004

PROJECT: N.W. Equipment Rental (Argenio) ZBA # 04-08
P.B.#



USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) MC S) _____ VOTE: A 3 N 0
RIVERA A
MCDONALD A
REIS A
MINUTA _____
KANE _____
CARRIED: Y ✓ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

RIVERA _____
MC DONALD _____
REIS _____
MINUTA _____
KANE _____

CARRIED: Y _____ N _____.

No complaints -
Property has been used

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 04-08

Request of NEW WINDSOR EQUIPMENT RENTAL

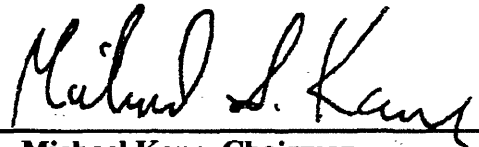
for a VARIANCE of the Zoning Local Law to Permit:

Request for Use Variance to permit storage & handling of aggregate products in an R-4 Zone (adjacent to PI Zone)

for property located at: 14 Argenio Drive – New Windsor, NY

known and designated as tax map Section 9 Block 1 Lots 108 & 55

PUBLIC HEARING will take place on February 9TH, 2004 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

A handwritten signature in black ink, appearing to read "Michael S. Kane", is written over a horizontal line.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

January 28, 2004

Jerry Argenio
P.O. Box 2068
Newburgh, NY 12550

Re: 9-1-108 & 9-1-55 ZBA# 04-08

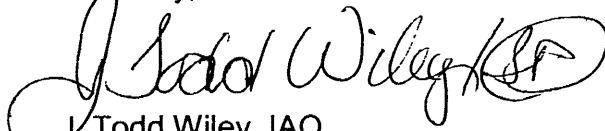
Dear Mr. Argenio,

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced properties. Please be advised the above parcels are also within five hundred (500) feet of the City of Newburgh.

The charge for this service is \$171.00, minus your deposit of \$25.00.

Please remit the balance of \$146.00 to the Town Clerk's office.

Sincerely,


J. Todd Wiley, IAO
Assessor

JTW/tmp
Attachments

CC: Myra Mason, ZBA

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: 01-21-04

PROJECT NUMBER: ZBA# 04-08 P.B. #

APPLICANT NAME: NEW WINDSOR EQUIPMENT RENTAL

PERSON TO NOTIFY TO PICK UP LIST:

JERRY ARGENIO

P.O. BOX 2068

NEWBURGH, NY 12550

TELEPHONE: 561-5102

TAX MAP NUMBER:	SEC. <u>9</u>	BLOCK <u>1</u>	LOT <u>108</u>
	SEC. <u>9</u>	BLOCK <u>1</u>	LOT <u>55</u>
	SEC. <u> </u>	BLOCK <u> </u>	LOT <u> </u>

PROPERTY LOCATION: 14 ARGENIO DRIVE
NEW WINDSOR

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD:

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET)

AGRICULTURAL DISTRICT:

(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT)

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 003756

TOTAL CHARGES:



RESULTS OF Z.B.A. MEETING OF: 2-9-04

PROJECT: NEW WINDSON EQUIPMENT ZBA# 04-08
P.B.#

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
 RIVERA _____
 MCDONALD _____ CARRIED: Y _____ N _____
 REIS _____
 MINUTA _____
 KANE _____

NEGATIVE DEC: M) MINUTA S) REIS VOTE: A 4 N
RIVERA Y
MCDONALD CARRIED: Y ✓ N
REIS Y
MINUTA Y
KANE Y

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
 RIVERA _____
 MCDONALD _____ CARRIED: Y _____ N _____
 REIS _____
 MINUTA _____
 KANE _____

APPROVED: M) MINUTA S) RIVERA VOTE: A 4 N
RIVERA Y
MCDONALD Y
REIS Y
MINUTA Y
KANE Y
CARRIED: Y ✓ N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___
 RIVERA _____
 MCDONALD _____
 REIS _____
 MINUTA _____
 KANE _____

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M)___ S)___ VOTE: A___ N___.

RIVERA _____
MC DONALD _____
REIS _____
MINUTA _____
KANE _____

CARRIED: Y_____ N_____.

[illegible]

PUBLIC HEARINGS:

NEW WINDSOR EQUIPMENT RENTAL (04-08)

Mr. Jerry Argenio appeared before the board for this proposal.

MR. KANE: Request for use variance to permit storage and handling of aggregate products in an R-4 zone (adjacent to PI zone) at 14 Argenio Drive.

I will ask looking at the empty chairs if there's anybody here for this hearing. Seeing as there is not, come up on tell us what you want to do, sir.

MR. ARGENIO: Can I bring the easel over?

MR. KANE: Sure. You can proceed.

MR. ARGENIO: Jerry Argenio, Jr., for New Windsor Equipment Rental. Mr. Chairman, we have kind of a unique set of circumstances here, I'll start from the beginning, I went through the whole history last time and if I skip something, please stop me. Our property is located approximately across the street from Gallagher's on Route 32, it's the industrial facility, the blacktop plants, concrete plant, that operation exists up in this area here. The property in question is this 2.35 acres in the rear of what's known as Hudson Valley Asphalt where we make bituminous concrete. Ducktown is in the back here separated from our property by two ponds. I don't know if anybody's familiar with that area. And just to give you a brief history not to kill you with details, in the course of our operation making blacktop sometimes there's surplus blacktop, sometimes aggregates left over at the end of the day and for years when we first opened the plants up, we'd dispose of the products, we'd landfill them or load them out at some point in time. Well, with the natural resources being used up in the area, i.e., gravel or crushed bedrock, we found a market in taking

these materials, processing them together and making an Item 4 product, if you will, sub-base for a driveway or a parking lot and we sell that product. It's a good use, we're not wasting the product, it works for us, we don't make a lot of money on it but it saves a lot of motion. So over the years, our operation has expanded and we're doing more and more of this quote unquote recycling, I'll use that term for lack of a better term. So we're cramped with space at this point in time. Behind us the Town of New Windsor owns this large parcel here which is approximately 32 or 35 acres, some such thing of that nature. So we approached the Town Board and the Town Supervisor in and expressed an interest in purchasing a piece of property back here or renting it, whatever arrangement they'd like. This is now dead land with the exception of this yellow and this pink are easements, water and sewer easements going through the property, so really it's of no use for anything, you can't put houses on it or anything like that because it's littered with these easements all through it. So the Town Board and Supervisor Meyers opted to lease the property to us and the purpose of the lease, Mr. Chairman, is we store our finished product on it, once we process these aggregates, they sit back there in a big pile approximately where the bubble is drawn on the plan, until such time as somebody comes in with a truck and we sell them, we load them up and they go on their merry way or we deliver the product to homeowners, commercial users.

So we leased the property about three years ago from the Town, always expressing an interest to purchase the property. When we did that, we went back there and we cleared some trees, we did some filling and grading and we coated the property with a layer of Item 4, this recycled product. We purchased a loader because we need a second loader to feed the operation, we can't use the loader from the blacktop plant because he's busy at the plant, couple of trucks that make deliveries and it's going rather well. The intent was

on our end to buy the property. Now, what the Town was concerned with and Supervisor Meyers was that us occupying this land being some burden on anybody back here, that's why they lease it to us rather than perform an outright sale and then realize that they have a problem back there. Well, when we entered into the lease, we didn't realize that the R-4 zone line, R-4/PI zone line goes right through a line about where I'm running my finger so we're back here on this R-4 zone now, there's nothing back here with the exception of some scrub woods, these two ponds and then as I said on the other side of the woods is Ducktown. Well, after three years, no complaints, no problems, no issues, we approached Supervisor Meyers and the Town Board and said look, can we buy the property, no complaints that I'm aware of, Mike, I'm sure we would have gotten a phone call if there were any complaints for noise or unsightly things going on back there.

Well, the Town reacted in the affirmative, yes, we're interested in selling the property to you. To that end, actually have a contract of sale here that got drawn up but during the procedures of drawing the Contract of Sale up at this point the Town attorney is looking at this very close, our attorney is looking at it very close, we discovered that it's in an R-4 zone. Well, that's a problem. So now we have this capital investment we've made on improving this piece of property, equipment that we bought all in good faith, conducting a clean operation in conformance with Town Code and DEC and all the other agencies that monitor an operation of our nature, now we have a problem. So the Town wants to put the property on the tax rolls, we want to buy it but we're looking for this use variance. Mr. Chairman, if I could, the photos there that you have I noted on the top here the views if you look at the map here, look at the first one, you're looking at view number 1, that's a photograph taken from the top of the pile looking back towards the kind folks at Ducktown, there would be a pond here, a pond here and this little trail that goes in between the ponds back

to the houses in Ducktown, the distance from the pile to the nearest home is about 800 feet, it's difficult to measure across a pond but--

MR. KANE: Any type of odor or smell?

MR. ARGENIO: Nothing, it's static materials. Unfortunately, there's snow there but all you'd be looking at would be a pile of aggregate, Item 4 and then--

MR. KANE: Do you guys have the same pictures?

MR. MINUTA: Yes, so this is the aggregate?

MR. ARGENIO: That photo's taken from the Town's property looking at our pile of aggregate, which is sitting on the leased parcel. Now, if you go to view number 1, that's me standing on top of the pile looking towards Ducktown, this is a pond here, a pond here and this is a little trail about 18 or 19 foot wide that the Town has used over the years. These easements here, this is a reserve well house in the case we have have a problem in the Town with water, they can activate this well and there's sewer going through there as well. So the purpose of that road that I just pointed out to you was so the Town vehicles can come in and service the pumphouse or service the manholes, whatever the case may be. But as I said, because this property is littered with these easements, it's of no use in an R-4 zone and as you can see, the property, the relocation of the property line falls short of the easements so we don't place any burden on the Town if they ever have to come in and service this pumphouse or activate the pumphouse or service any of the manholes in this area.

MR. KANE: Can you give for the record some examples of what can be built in an R-4 zone?

MR. BABCOCK: Single family homes, that's it.

MR. KANE: And it's your contention that the property in the location that it's in right now can never be used to build single family homes on it?

MR. ARGENIO: That's correct and that's based on as I said primarily because of the easements.

MR. KANE: So therefore monetarily there's no way anybody can sell that property for a use that it's zoned for?

MR. ARGENIO: Not in my opinion, Mr. Chairman.

MR. KRIEGER: That property is cut off from the major roadway by your establishment on one side and Town's land on the other?

MR. ARGENIO: On our side it's been cut off for 25 years.

MR. BABCOCK: It's got no road frontage.

MR. KRIEGER: No way that it can get any road frontage?

MR. ARGENIO: That's correct. See what would make more sense and again, I'm speculating, Mr. Chairman, but the zone line fell into place at some point in time many many, years ago and I'm quite sure that that zone line and again, bear with me, I'm speculating, I'm quite sure that zone line was arbitrarily placed through here when this was woods and that was woods. But now at this point, it makes a lot more sense in the fact that actually a geographic boundary caused by these ponds, the course of water is in this direction so, I mean, it actually makes sense that this side should be PI and this side should be R-4.

MR. KANE: Okay, cover a couple other bases, you have

been operating there for three years, you have created no water hazards or runoffs by that operation?

MR. ARGENIO: We have created no additional water hazards, no addition runoff.

MR. KANE: And you didn't cut down any substantial trees or substantial vegetation?

MR. ARGENIO: We did cut down some trees but it was relatively insignificant, it was very, very sparsely wooded.

MR. KANE: And even though the hardship is quote unquote self-created, it's really the best use for the property at this time and there's no other use for it?

MR. ARGENIO: Truly.

MR. KRIEGER: I'm not sure legally it would be determined to be self-created because they didn't put the zoning line in, they didn't put the easements in that bar it from use in the other, with the other R-4 properties, specifically being the Ducktown properties, so it's not really self-created.

MR. KANE: It feel into an area where it just can't be used because the building around that area?

MR. KRIEGER: Yes and because of the Town's use of the adjacent property.

MR. KANE: For the record, I will open and close the public hearing seeing as there's nobody here.

MR. ARGENIO: Mr. Chairman, additionally, on the public hearing, no fewer than 150 notices were sent out, no fewer than 150.

MR. KANE: And I can see in Myra's files we've not not

gotten anything back regarding it. And obviously, there's nobody in attendance for it so we cover that base right there.

MR. KRIEGER: Considering it's adjacent to an active community if there was any problem, I would have heard.

MR. KANE: Knowing Ducktown, they would have been here.

MR. REIS: Mr. Argenio, is there any anticipated containment around the perimeter of the property to contain aggregate?

MR. ARGENIO: What do you mean?

MR. REIS: Some kind of abutment or fencing?

MR. KANE: Item 4 doesn't run.

MR. REIS: To contain so you don't spread beyond the 2.3 acres.

MR. ARGENIO: No, sir, there's no physical containment that--

MR. KANE: But do you have within the use of that property do you have a decent amount of buffer area from where you're building up the aggregate to wherever the back line is so you're not overrunning onto a different part of the property?

MR. ARGENIO: Yes, we do.

MR. KANE: Ten feet from the back, 15 feet approximately whatever so that there's no overflow.

MR. ARGENIO: We do have a buffer, we have a buffer of about ten feet, I don't think we've checked it in about a year but what happens is as you create this aggregate, we're always feeding, loading/selling the

aggregate from the front of the pile, so the back of the pile tends to never move and if we do get to the back of the pile, shame on us because we're short inventory at that point. So the back of the pile lands and it pretty much stays right where it is.

MR. KANE: The aggregate that you're building, that's not likely to slide down or flow in any way onto the property behind?

MR. ARGENIO: No, it's not unstable.

MR. RIVERA: Rear of the pile faces the pond?

MR. ARGENIO: That's correct. I think I have a shot of that in there, a photo of it.

MR. RIVERA: I'm just looking from here.

MR. ARGENIO: Yes, the rear of the pile faces the pond.

MR. RIVERA: So contamination of the pond?

MR. ARGENIO: It's gravel.

MR. KANE: How many feet from the ponds are you?

MR. ARGENIO: About 300 feet.

MR. KRIEGER: If the pile were to get any bigger, it would get bigger towards your property?

MR. ARGENIO: Expand towards our property, correct.

MR. MINUTA: Is this subject to environmental form?

MR. KRIEGER: Short form EAF, yes, he needs to file a short form EAF.

MR. MINUTA: And would that be our position to declare

a negative declaration on that or positive declaration depending on the findings?

MR. KANE: I think we should take--

MR. KRIEGER: Yes, you have to declare negative dec or positive dec, whichever you want, but you can limit the review to this proceeding only.

MR. ARGENIO: I believe, Mr. Chairman, that we also have to appear in front of the planning board subsequent to this, the results of this hearing for the lot line relocation and--

MR. KANE: So we'll limit it to this proceeding only, all right.

MR. MINUTA: Are there any environmental impacts based on the aggregate that you're using that would impact the soils or ground water, things of that nature?

MR. ARGENIO: No, there are none that I'm aware of.

MR. KRIEGER: Those ponds in there, that's an alternate area, alternate water supply for the Town of New Windsor, so they have been monitoring it while you have been occupying the property?

MR. ARGENIO: I don't know the last time that that alternate water supply has been used that's currently located on the Town's property. I asked Mr. McGoeys about that several weeks ago, I bumped into him in Myra's office when I gave Myra the envelopes for the public hearing and he said they haven't used that well in years now. I don't know what that means, if that means five years or 35 years, but again, that's on the Town's property.

MR. KANE: And you aren't producing any type of a runoff to there that you're aware of?

MR. ARGENIO: No.

MR. KANE: So we need a motion, Joe, to find a negative declaration, declare a negative declaration.

MR. MINUTA: Okay, Mr. Chairman, will you accept a motion to declare negative declaration for this property subject to this hearing?

MR. KANE: Yes, I will.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. KANE: Do you gentlemen have any other questions at this time?

MR. RIVERA: No.

MR. KANE: Accept a motion.

MR. MINUTA: Accept a motion that we grant the requested use variance to permit storage and handling of aggregate products in an R-4 zone adjacent to the PI zone at 14 Argenio Drive.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE

February 9, 2004

33

MR. KANE AYE

MR. KANE: Motion to adjourn?

MR. MINUTA: So moved.

MR. REIS: Second it.

ROLL CALL


MR. REIS AYE

MR. MINUTA AYE

MR. RIVERA AYE

MR. KANE AYE

Respectfully Submitted By:

 2/11/04
Frances Roth
Stenographer

NEW WINDSOR EQUIPMENT RENTAL (04-08)

Mr. Jerry Argenio appeared before the board for this proposal.

MR. REIS: Request for use variance to permit storage & handling of aggregate products in an R-4 zone. (adjacent to PI zone) at 14 Argenio Drive.

MR. ARGENIO: Ladies and gentlemen, honorary members of the zoning board, please don't think ill of me for bringing my two young children to the meeting, but I have a wife who's pregnant and sick tonight and she was dozing off as I was on my way out the door. Normally, my uncle would be representing this application, Jerry Argenio, he's one of my partners at Hudson Valley Asphalt, but he's away so he asked me if I would represent this application tonight and I'm here to do it. I think I'd like to take the opportunity just to give you folks a little bit of background on the history of this 2.35 acres in the back of our property just off 32 on Argenio Drive. We're looking for an area variance for the 3.25 acres in the back, if I may, Route 32 is up here, Gallagher Trucks is up here, you'd make the left on Ruscetti road, come down about a hundred feet, make a left on Argenio Road that's our facility back there. We have a bituminous concrete manufacturing plant, concrete plant and contracting operation is there as well. Do you folks have photos in your files?

MR. REIS: Yes, we do.

MR. ARGENIO: About three years ago, one of the byproducts from the manufacture of the blacktop and the concrete, we have left over concrete, we have left over blacktop and we have left over aggregates, so what we began to do quite a few years ago was combine the aggregates and blend them together in the back of our property here so the product doesn't have to get

landfilled, we make Item 4 product, we sell it to blacktop guys who pave driveways and that sort of thing and we don't have to landfill it, we're taking raw materials that are a waste product of our current operations, combining them with some other materials we're making a usable, salable product. We started running out of space, so we approached the Town, the Town owns about 30 acres more or less back here between us and what is the back of Ducktown near Bradford Avenue, so my uncle approached the Town Board and Supervisor Meyers and asked if they would be willing to sell us a piece of property back here. The Town Board and Supervisor Meyers looked on it favorably but with one caveat, they said well, we're concerned your, I believe this distance from our property back to these residences is about, I want to say it's about 800 feet, 900 feet, I didn't measure it, but it's quite far, there's two ponds here, there's a little road, dirt road that the Town uses to service these reserve wells that they have back here in the event of a water shortage. So Supervisor Meyers, getting back to my original point, said yes, I'm willing to convey the property to you, it has no use to us, but I'd like to rent it to you for a period of time just to make sure there's no problem, just to make sure your operation doesn't cause any hardship for the people, the residents back here in Ducktown. So we engaged in a lease arrangement with the Town of New Windsor for this 2.35 acres. At that time the property was wooded, so we cleared it, we filled it, we installed Item 4, we graded it, rolled it, compacted it, improved the property so we had a nice, flat piece of land. We used the property just to store the Item 4 after we make it, the influx of raw material from outside sources and our sources on our site is stored about in this area here. We process it, it comes off the conveyor belt, we stack it and we have trucks and we deliver it to people and we sell it. So we engaged in this lease with the Town. It went very well for about three years, more or less, I'm not aware of any complaints--Mike, you would be the

one who would be more aware than I would--with no complaints. After that three year period more or less, my uncle approached Supervisor Meyers and the Town Board for a sale of the property, everybody was in favor of the sale of the property. It's already improved, everything's in good shape. Well, they started to work up contracts and somehow either Mike brought it up or the planning board brought it up--incidentally, Mr. Chairman, before we were allowed to use this property for the storage of the aggregates, as I described, they'd have to, New Windsor Equipment Rentals did appear in front of the planning board to speak to the planning board to get their opinion on it before they even engaged in the lease. That was looked upon favorably at the time we went through the lease and now we're, my uncle and our group, Hudson Valley, we're trying to buy the property, somehow, either Mike picked it up or somebody in the building department picked it up, the R-4 zone line goes right through here, so if we buy the property that we have already improved, bought the loader, spreaded Item 4, cleared the trees, it's an illegal use in the zone.

MR. REIS: And you'd have to go to jail.

MR. ARGENIO: That's right. So we're here looking for an area variance, Mr. Chairman, and we feel it makes sense. And the reason we feel it makes sense is because if you look at the photos in front of you, this is a very old zone line here, very old from, I don't know how far it dates back, but the location of this line is a line on a map, this property here is zoned PI, which is our property and the property to the southeast are separated naturally by a pond or a lake, whatever you'd like to call it, it's a full-time lake, it doesn't dry up in the summertime, the PI zone, Mr. Chairman, and the R-4 zone to the southeast are naturally separated by this lake and this lake, this well house, this well house owned by the Town and this littering of easements that I have highlighted here in

both pink and yellow and as you can see our proposed use, the property we want to buy from the Town for which we do actually have a contract for it, it's not executed because we need to get through this process first, the property which we want to buy from the Town stops short of this easement, so as to not encumber this sewer easement here for the Town. I don't know if it's accurate or not, I have no idea. But as far as the water goes, Mr. McGoey told me this is not active, this water line and pumphouses but they are there for an emergency drought, if the Town ever needs to tap them, if Brown's Pond goes dry or for whatever reason. So this property here, this piece of land that I'm kind of highlighting here, this has no other use, none in the R-4 zone, there's nothing that can be done with it, nothing, because of the easements, because there's no access, this is Town property here, this is a road, this is a road, Mr. Chairman, a dirt road that goes down like this owned by the Town that's accessed through Ducktown. That's why I'm here. I'll answer any of your questions now.

MR. REIS: You've been utilizing this property for three plus years?

MR. ARGENIO: I want to say three years, I'm not sure.

MR. REIS: Your wish is to continue to use it in the same fashion?

MR. ARGENIO: Same manner and fashion it's been used for the past three years.

MR. REIS: This should have been done when they first got involved with it.

MR. BABCOCK: I don't know why that was missed or what it was, but on a lease, it didn't get sent around to all the departments. Once they talked about the sale, they send that all to every department for the sign-off

and that's when we picked it up.

MR. ARGENIO: The check is substantially more thorough when you're talking about a sale.

MR. MC DONALD: Looking at the pictures again on the road this is the zone?

MR. ARGENIO: No. Mr. Chairman, if you would open up picture one, I'm sorry, I neglected to get into that, if you look at picture one, that picture is taken from right here and I'm standing on top of the pile of aggregate looking this way down that road I had described for you. So I'm standing right here about in the center of the property to be, proposed property to be conveyed looking down that road.

MR. MC DONALD: These are the two ponds on either side?

MR. ARGENIO: Correct. You can see how far away they are. I'm saying 800 feet, I didn't scale it and view 2, Mr. Chairman, that you're looking at right now is from on the Town's property looking at the proposed property, you should be looking at a pile of gravel that's covered with snow, unfortunately, it's the time of the year that I took the photograph, that's view one looking down towards the Town's property, that's the pile of gravel, the property line is in here somewhere and there's a couple other views that I have outlined from our property. As it is now, view 3 and view 4 is also from our property as it is now looking at the pile of gravel.

MR. REIS: You haven't had any complaints from your neighbors?

MR. ARGENIO: Nothing. And I had spoke to Mr. Babcock prior to this and he also indicated there was nothing from the residents in the R-4 zone.

MR. REIS: You have already leveled it and put all your materials on it?

MR. ARGENIO: Yes.

MR. REIS: No more taking down trees or vegetation?

MR. ARGENIO: No, that's done.

MR. MC DONALD: Pretty much what it looks like now.

MR. ARGENIO: Correct.

MR. MC DONALD: And you can't go too much further because you're going to be filling that pond, you can't do that.

MR. ARGENIO: Actually, the proposed property line being relocated from here to here will actually be about 200 feet, 250 feet away from the existing pond as it is today.

MR. REIS: Is there any perimeter fencing or any kind of a structure or boundary or anything that's going to prevent you from encroaching on the neighbor's property?

MR. ARGENIO: At this point in time, Mr. Chairman, we have proposed nothing, but surely I think it would be even from a liability standpoint it would be in our interest to consider, our interest more even than the Town's, to consider some type of fence back there.

MR. REIS: Any questions?

MR. MC DONALD: Accept a motion?

MR. REIS: Yes, please.

MR. MC DONALD: Make a motion that we set up a public

January 26, 2004

27

hearing for New Windsor Equipment Rentals' request for a variance.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 01-21-2004

FOR: **ESCROW 04-08**

FROM: **New Windsor Equipment Rental and Service, Inc.**
d/b/a Hudson Valley Asphalt
P.O. Box 2068
Newburgh, NY 12550

CHECK NUMBER: **003754**

AMOUNT: **500.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#72-2004

01/21/2004

New Windsor Equipment Rental And Service, Inc.

Received \$ 150.00 for Zoning Board Fees, on 01/21/2004. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

February 7, 2004 From: Rose A. Crudele
Myrtle Ave
New Windsor, NY 12553

To: New Windsor Zoning Board of Appeals
Letter

Subject: New Windsor Equipment Rental
and

Request for use Variance to permit
Storage and Handling of Aggregate
Products to an R-4 Zone (adjacent
to PT Zone)

Reference above letter received January 30,
2004, concerning Public Hearing to take place
on February 9, 2004, 7:30pm, New Windsor Town
Hall.

This letter is to register a protest
as an owner resident of property directly
across Little Falls Pond and subject
property.

Reasons: This is ^{too} close to a
residential area and several homes and
should not be changed from its designation
as an R-4 Zone. It can be hazardous
and detrimental to the health and daily
healthy living of its residents. It also
will continue to destroy the natural
beauty, wetlands, habitat of animals, birds and
the like that have existed ^{there} for years.
It was known as "God's" Country.
Rose A. Crudele



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

January 21, 2004

New Windsor Equipment Rental and Service, Inc.
d/b/a Hudson Valley Asphalt
P.O. Box 2068
Newburgh, NY 12550

SUBJECT: REQUEST FOR VARIANCE #04-08

Dear Mr. Argenio:

This letter is to inform you that you have been placed on the January 26th, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

14 Argenio Drive
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE: \$ 50.00
*ESCROW: \$300.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL

NAME

RECEIVED
TOWN OF NEW WINDSOR

JAN 21 200

ENGINEER & PLANNING

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

*** * MUST READ AND SIGN * ***

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).

SIGNATURE

DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.
(JULY AND AUGUST – ONE MEETING PER MONTH ONLY)

RECEIVED TOWN OF NEW WINDSOR JAN 21 2004 ENGINEER & PLANNING



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

_____ Application Type: Use Variance ☐ Area Variance ☐
Date Sign Variance ☐ Interpretation ☐

I. Owner Information:

DBA: Hudson Valley Asphalt
New Windsor Equipment Rentals
(Name)
14 ARGENIO Rd. New Windsor, NY 12553
(Address)
Phone Number: (845) 561-5102
Fax Number: (845) 561-5410

II. If Moving to New Address, please list forwarding address for return of escrow:

(Name) Phone Number: ()

Fax Number: ()

(Address)

III. Attorney:

(Name) Phone Number: ()

Fax Number: ()

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

(Name) Phone Number ()

Fax Number: ()

(Address)

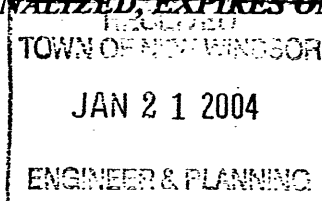
V. Property Information:

Zone: PI R-4 Property Address in Question: 14 ARGENIO Rd.
Lot Size: 2.35Ac. Tax Map Number: Section 9 Block 1 Lot 108 + 55

- a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? YES
c. When was property purchased by present owner? _____
d. Has property been subdivided previously? NO ~~If so, When?~~ UNAWARE OF PRIOR SUBDIVISION
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? _____

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



04-08

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section _____, Table of _____ Regs., Col. _____.

Describe proposal:

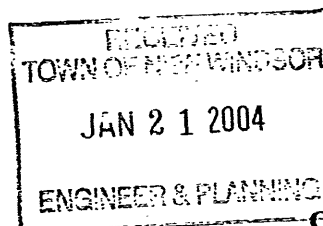
Proposal to include use variance for 2.35 AC. directly adjacent to the lands of ~~the~~ ARGENIO Bros. / New Windsor Eq. Rentals currently zoned PI. Proposed use of property will be for the storage + handling of aggregate products. Property has been leased from the Town + used for this purpose for the past 3 ± years with no complaints that we are aware of. If the variance is approved the Town is prepared to sell us the property at fair market value + it can be placed on the tax rolls.

- VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

This property was leased from the Town for the use stated above in good faith by both parties. At this point in time we have made substantial improvements to the property + have a substantial capital investment in inventory + equipment to handle + process the inventory. The stream of raw materials used to create the inventory largely results from our manufacturing facility on the parent parcel. Absent a use variance we will be precluded from purchasing this property from the town ~~and~~ this will result in our being forced to forfeit our capital investment to date + to cease our recycling efforts.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



04-08

COMPLETE THIS PAGE ☐

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
 - ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
 - ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

20 day January 20 04,
Notary Public, State Of New York
Qualified in Dutchess County
Registration No. 01JU6097893
Commission Expires September 2, 20 07

Lizann Jusino
Signature and Stamp of Notary

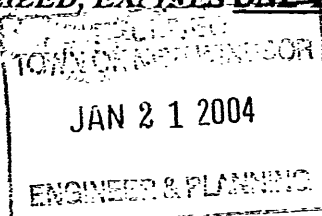
[Signature]
Owner's Signature (Notarized)

GENARO A. ARGENTO
Owner's Name (Please Print)

[Signature]
Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



04-08
COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

_____, deposes and says that he resides
(OWNER)
at _____ in the County of _____
(OWNER'S ADDRESS)
and State of _____ and that he is the owner of property tax map
(Sec. _____ Block _____ Lot _____)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: _____

Sworn to before me this:
_____ day of _____ 20____

**

Owner's Signature (MUST BE NOTARIZED)

Applicant's Signature (If different than owner)

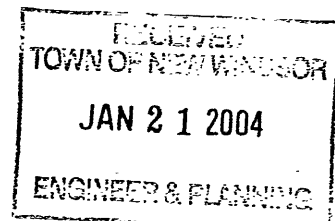
Representative's Signature

Signature and Stamp of Notary

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.



COMPLETE THIS PAGE ☐

04-08

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>New Windsor Equipment Plant</i>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <i>Town of New Windsor</i> County <i>ORANGE</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>14 Argenio Drive, near intersection of NYS Rt. 32 + Ruscitti Rd.</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>USE VARIANCE For Section 9 Block 1 Lot no's. 108+55</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>4.03</i> acres Ultimately <i>6.38</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>Requesting USE VARIANCE</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>GENARO A. Argenio Sec. New Windsor Eq. plants</i>	Date: <i>1-20-04</i>
Signature: <i>[Signature]</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

TOWN OF NEW WINDSOR

OVER

1

JAN 21 2004

ENGINEER & PLANNING

04-08

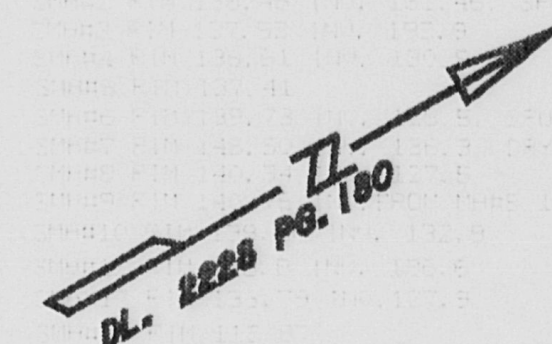
PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
_____ Name of Lead Agency	
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from responsible officer)
<div style="border: 1px solid black; padding: 5px; display: inline-block;"><p>RECEIVED TOWN OF NEW BRUNSWICK JAN 21 2004 2 ENGINEER & PLANNING</p></div> <div style="margin-left: 20px; font-size: 2em;">04-08</div>	



TOWN OF NEW WINDSOR &
ARGENIO BROTHERS

EXISTING AREA: 36.08 ACRES
NEW AREA: 33.73 ACRES
AFTER LOT LINE CHANGE

DANIEL J. O'BRIEN
PROFESSIONAL LAND SURVEYOR
238 MILLSBURG ROAD (845) 355-3600
MIDDLETOWN, NY 10940

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